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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,624	11/29/2001	Tadashi Fujimura	111235	2285

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EXAMINER

AGGARWAL, YOGESH K

ART UNIT PAPER NUMBER

2622

DATE MAILED: 05/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/995,624

Applicant(s)

FUJIMURA, TADASHI

Examiner

Yogesh K. Aggarwal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/17/2006 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 2 and 4-27 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 23-25 and 27 are rejected under 35 U.S.C. 101 because the specification states in Paragraphs 25 and 93 that the computer-readable computer program product can be a data signal or a carrier wave. The 101 interim guidelines (Page 55-57 under the heading Electromagnetic signals) set forth data signals in carrier waves as non-statutory subject matter.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1, 11, 12 and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ichihara (US Patent # 6,977,680) in view of Shiohara (US Patent # 6,618,553).

[Claims 1 and 11]

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Ichihara teaches an image data processing device (figures 3 and 4, camera 30), comprising processing device (CPU 30) that acquires basic image (col. 5 lines 15-37); a transmission device (communication apparatus 35) that transmits at least said basic image data to an external storage device (hard disk 41, col. 5 lines 38-41), an internal storage device (36) and causes said internal storage device to store said basic image data and simplified image data, and to delete said basic image from said internal storage device without deleting said simplified image data from said internal storage device after said transmission device has transmitted said basic image data to said external storage device (col. 5 lines 45-49, col. 5 line 66-col. 6 line 22).

Ichihara teaches generating thumbnail data in the external device but fails to teach a processing device that generates thumbnail data in a digital camera and a control device that controls said processing device. However Shiohara teaches a digital camera (figure 1, element 100) that has a processing device (signal processing section 7) that generates a thumbnail image (col. 4 lines 15-30) and a control section 4 for controlling the operation of the signal processing section 7 (col. 4 lines 8-13).

Therefore taking the combined teachings of Ichihara and Shiohara, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have a processing device that generates thumbnail data in a digital camera and a control device that controls said processing device as taught in Shiohara to be implemented into the system of Ichihara in order to simplify the operation of the external device and to reduce the overhead time required to transmit the thumbnail image data from the external device to the digital camera thereby freeing up the bandwidth for transmitting the next image.

[Claim 12]

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Ichihara teaches photographing several images (col. 6 lines 20-23), which is read as continuous photography and figure 3 disclose a CPU 30 for controlling continuous photography, memory 36 that stores the images, a transmitter 35 and a delete function as taught in col. 5 lines 45-49.

[Claim 22]

Method claim 22 corresponds to apparatus claim 1 and is therefore analyzed and rejected the same as previously discussed with respect to apparatus claim 1.

[Claims 23-25]

Computer program storing claims 23-25 correspond to apparatus claim 1 and are therefore analyzed and rejected the same as previously discussed with respect to apparatus claim 1.

6. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ichihara (US Patent # 6,977,680) in view of Shiohara (US Patent # 6,618,553).

[Claim 4]

Ichihara in view of Shiohara teaches the limitations of claims 1 and 11 but fails to teach wherein the transmission device transmits via radio. However Official Notice is taken of the fact that it is notoriously common to have a transmission device transmit to an external device (like a PC) via radio if an external memory (IC card) is not mounted in order to not miss a photographic chance and to store the images. Therefore taking the combined teachings of Ichihara, Shiohara and Official Notice, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have a transmission device transmit to an external device (like a PC) via radio if an external memory (IC card) is not mounted in order to not miss a photographic chance and to store the images.

[Claim 9]

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Ichihara in view of Shiohara fails to teach an actuation member is actuated while said signal transmission device is transmitting said basic image data to the external storage device, said power supply control device turns off said supply of power to the image data processing device after said signal transmission device has completed transmitting of said basic image data.

However Official Notice is taken of the fact that it is well known in the art to have an actuation member that if actuated while said signal transmission device is transmitting said basic image data to the external storage device, said power supply control device turns off said supply of power to the image data processing device after said signal transmission device has completed transmitting of said basic image data in order to have an uninterrupted transmission.

Therefore taking the combined teachings of Ichihara, Shiohara and Official notice it would be obvious to one skilled in the art at the time of the invention to have been motivated to have an actuation member that if actuated while said signal transmission device is transmitting said basic image data to the external storage device, said power supply control device turns off said supply of power to the image data processing device after said signal transmission device has completed transmitting of said basic image data in order to have an uninterrupted transmission of the image if the power supply is accidentally turned off.

7. Claims 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ichihara (US Patent # 6,977,680) in view of Shiohara (US Patent # 6,618,553) in view of Anderson (US Patent # 6,532,039).

[Claims 17, 19]

Ichihara in view of Shiohara teaches the limitations of claims 1 and 11 but fails to teach that the simplified image data is not transmitted to the external device. However Anderson teaches a

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memory map showing DRAM 346 (which clearly is an internal memory) that includes RAM disk 532, a system area 534 and working memory 530 (col. 4 line 66-col. 5 line 3, figures 3 and 4). Anderson further teaches that thumbnail images 606 (simplified image) are stored in a working memory 530 that is an internal memory as clearly shown in figure 3 (col. 6 lines 30-32).

Therefore taking the combined teachings of Ichihara, Shiohara and Anderson, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have the simplified image data stored in a working internal memory and not transmitted to the external device in order to use the external memory for basic images only and thereby save on the memory space.

8. Claims 2, 5-8, 13-16, 18, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ichihara (US Patent # 6,977,680), Shiohara (US Patent # 6,618,553) and further in view of Tomat et al. (US Patent # 6,784,925).

[Claim 2]

Ichihara in view of Shiohara teach the recited limitations of claim 1 but fails to teach an identifying information generation device that generates identifying information for individually identifying correspondence between said basic image data and said simplified image data, wherein said signal transmission device transmits at least said basic image data and said identifying information to the external storage device, an internal storage device stores that stores said thumbnail image data and said identifying information and transmits it to the external device.

However Tomat et al. teaches an identifying information generation device (figure 1, camera 14) that generates identifying information (figure 23, element 212) for individually

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identifying correspondence between said basic image data (thumbnail images identify corresponding image files) and said simplified image data (thumbnail shown in the viewing area 192, figure 22), wherein said signal transmission device transmits at least said basic image data and said identifying information to the external storage device (col. 14 line 54-col. 15 line 39, figures 22 and 23). It would be inherent that the camera 14 has an internal storage device stores that stores said thumbnail image data and said identifying information and transmits it to the PC.

Therefore taking the combined teachings of Ichihara, Shiohara and Tomat it would be obvious to one skilled in the art at the time of the invention to have been motivated to have an identifying information generation device that generates identifying information for individually identifying correspondence between said basic image data and said simplified image data, wherein said signal transmission device transmits at least said basic image data and said identifying information to the external storage device, an internal storage device stores that stores said thumbnail image data and said identifying information and transmits it to the external device included into the system of Ichihara as taught by Tomat in order to easily identify, transmit and store the images in an external storage device after they are transmitted from a camera.

[Claim 5]

Tomat discloses displaying multiple thumbnail images (col. 15 lines 27-29). Therefore it would be inherent that the basic image data acquisition device, the simplified image data generation device, the transmission device, and the internal storage device perform processing for a plurality of sets of basic image data in the camera device 14, a command generation device that generates a delete command (figure 28, command 250 under the warning box) for deletion of simplified image data and basic image data corresponding to a simplified image which is selected by said

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selection device is provided and said signal transmission device transmits identifying information and a delete command corresponding to the simplified image that has been selected, to the external storage device (col. 17 lines 45-58). Official Notice is taken of a selection device that selects a single simplified image from said plurality of simplified images which have been displayed upon said display device is provided. Therefore taking the combined teachings of Ichihara, Shiohara, Tomat and Official notice it would be obvious to one skilled in the art at the time of the invention to have been motivated to have a selection device that selects a single simplified image from said plurality of simplified images which have been displayed upon said display device is provided in order to easily select an image by the user.

[Claim 6]

Tomat teaches a protect command for preventing deletion (figure 28, command 252) of simplified image data and basic image data corresponding to a simplified image that is selected by said selection device; and said signal transmission device transmits identifying information and a protect command corresponding to the simplified image that has been selected, to the external storage device (col. 17 lines 54-58).

[Claim 7]

Tomat discloses a box 256 in figure 28 which if unchecked will not warn before deleting and therefore reads on a command generation device that generates a protection cancel command for canceling prevention of deletion of simplified image data and basic image data corresponding to a simplified image that is selected by said selection device and said signal transmission device transmits identifying information and a protection cancel command corresponding to the simplified image that has been selected, to said external storage device.

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[Claim 8]

Tomat et al. discloses an acquired icon 224 that indicates that the thumbnail images have been downloaded from camera 14 (col. 15 lines 66-67, figure 24).

[Claim 13]

Ichihara in view of Shiohara fails to teach a display device that displays a plurality of simplified images corresponding to said plurality of sets of simplified image data and when said signal transmission device is transmitting a set of basic image data, said display device controls display of said plurality of simplified images so as to be able to identify a simplified image that corresponds to the set of basic image data which is being transmitted.

However Tomat et al. teaches a selection device that selects a single simplified image from plurality of simplified images which have been displayed upon said display device is provided (col. 17 lines 20-32, figure 26) and an acquired icon 224 that indicates that the thumbnail images have been downloaded from camera 14 (col. 15 lines 66-67, figure 24) in order to identify the thumbnail images easily to the user.

Therefore taking the combined teachings of Ichihara in view of Shiohara and Tomat it would be obvious to one skilled in the art at the time of the invention to have been motivated to have selected a single simplified image from plurality of simplified images which have been displayed upon said display device is provided and an acquired icon 224 that identifies that the thumbnail images have been downloaded from camera 14 after they have been transmitted in order to identify the thumbnail images that have been transmitted easily to the user.

[Claim 14]

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Claim 14 corresponds to claim 1 except an image storage device that is provided in said external storage device and stores at least said basic image data, which has been transmitted from said image data processing device.

However Tomat teaches that acquired icon 224 indicating that a photo-group 5 comprising thumbnail images has been downloaded from camera 14 (memory 36 inside the camera) to another storage device (PC) or that its full-resolution image file has been inserted into an application (col. 15 line 66- col. 16 line 10, figure 24).

Therefore taking the combined teachings of Ichihara, Shiohara and Tomat it would be obvious to one skilled in the art at the time of the invention to have been motivated to have an image storage device that is provided in said external storage device and stores at least said basic image data which has been transmitted from said image data processing device in order to utilize the memory space in the image processing device efficiently.

[Claim 15]

Claim 15 corresponds to claim 2 except an image storage device of said external storage device stores at least said basic image data which has been transmitted from said image data processing device. Tomat et al. teaches an identifying information generation device (figure 1, camera 14) that generates identifying information (figure 23, element 212) for individually identifying correspondence between said basic image data (thumbnail images identify corresponding image files) and said simplified image data (thumbnail shown in the viewing area 192, figure 22), wherein said signal transmission device transmits at least said basic image data and said identifying information to the external storage device (col. 14 line 54-col. 15 line 39, figures 22

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and 23). It would be inherent that the camera 14 has an internal storage device stores that stores said thumbnail image data and said identifying information and transmits it to the PC.

[Claims 16, 18, 20]

Ichihara in view of Shiohara fails to teach the transmission of simplified image data corresponding to the basic image data.

However Tomat et al. teaches that acquired icon 224 indicating that photo-group 5 comprising thumbnail images has been downloaded from camera 14 (memory 36 inside the camera) to another storage device (PC) or that its full-resolution image file has been inserted into an application (col. 15 line 66- col. 16 line 10, figure 24).

Therefore taking the combined teachings of Ichihara, Shiohara and Tomat it would be obvious to one skilled in the art at the time of the invention to have been motivated to have an image storage device that is provided in said external storage device and stores at least said basic image data which has been transmitted from said image data processing device in order to utilize the memory space in the image processing device efficiently.

[Claim 21]

See claims 17 and 19.

9. Claims 10, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ichihara (US Patent # 6,977,680), Shiohara (US Patent # 6,618,553) and further in view of Yamaguchi et al. (US Patent # 6,400,392).

[Claim 10]

Ichihara in view of Shiohara teaches all the recited limitations of claim 1. Ichihara in view of Shiohara fails to teach wherein said display device performs control so as to lower a brightness

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of display image, when said signal transmission device is transmitting said basic image data to the external storage device.

However Yamaguchi teaches that display brightness of part of the window during transmission is reduced in order to easily grasp the overall atmosphere of the transmission (col. 15 line 66- col. 16 line 3).

Therefore taking the combined teachings of Ichihara, Shiohara and Yamaguchi et al. it would be obvious to one skilled in the art at the time of the invention to have been motivated to have a display device performs control so as to lower a brightness of display image into the basic image transmission of Ichihara in order to easily grasp the overall atmosphere of the transmission.

[Claim 26]

Method claim 26 corresponds to apparatus claim 10 and is therefore analyzed and rejected the same as previously discussed with respect to apparatus claim 10.

[Claim 27]

Computer program storing claim 27 correspond to apparatus claim 10 and is therefore analyzed and rejected the same as previously discussed with respect to apparatus claim 10.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K. Aggarwal whose telephone number is (571) 272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.


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10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571)-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YKA

May 18, 2006



DAVID OMETZ
SUPERVISORY PATENT EXAMINER